UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,191	07/25/2003	Gary H. Newman	101120-0003	2692

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/627,191	NEWMAN ET AL.
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 July 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 July 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Detailed Action

1. Claims 1 - 9 have been examined.

2. Claims 1 - 9 are pending.

3. Claims 1 - 9 are rejected as detailed below.

Priority

Applicant claims domestic priority to U.S. Provisional Patent Application Ser. No. 60/460,992,

which was filed on Apr. 7, 2003. Therefore application has been examined with an effective

filing date of April 7, 2003.

Information Disclosure Statement

No information disclosure statement filed.

Rule 105 Request for Information

1.   Applicant and the assignee of this application are required under 37 CFR 1.105 to

provide the following information that the examiner has determined is reasonably necessary to

the examination of this application. During the search of the instant application, the examiner

discovered whitepapers such as "System Management for the new Enterprise environment", "PC

Management for the Internet Age" and "Belarc & Cisco NAC" that may disclose pertinent

information, furthermore the background of the specification mentions an existence of the prior

Belmanage system and Examiner further reports that existence of distributing Belmanage has

been reported as far back as 10/13/2000. In particular, Examiner requests any whitepapers such

as those mentioned and any user manual of the Belmanage systems (as discussed in the

background or on website) prior to April 7, 2003. Some other information that might be useful is

provided below:

2.   Did applicant sell or offer for sale a product that embodies the invention claimed in the

instant application?

3. Was there a definite sale, or offer to sell more than one year before the effective filing date of

the instant application?

4.   In response to this requirement, please provide the citation and a copy of each publication

which any of the applicants authored or co-authored and which describe the disclosed subject

matter of claims 1-9.

5.   In response to this requirement, please provide the title, citation and copy of each

publication that is a source used for the description of the prior art in the disclosure. For each

publication, please provide a concise explanation of that publication's contribution to the

description of the prior art. In response to this requirement, please provide the names of any

products or services that have incorporated the claimed subject matter.

6.   In responding to those requirements that require copies of documents, where the

document is a bound text or a single article over 50 pages, the requirement may be met by

providing copies of those pages that provide the particular subject matter indicated in the

requirement, or where such subject matter is not indicated, the subject matter found in

applicant's disclosure.

7.   The fee and certification requirements of 37 CFR 1.97 are waived for those documents

submitted in reply to this requirement. This waiver extends only to those documents within the

scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete

communication responding to this requirement. Any supplemental replies subsequent to the first

communication responding to this requirement and any information disclosures beyond the scope

of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of

37 CFR 1.97.

8.   The applicant is reminded that the reply to this requirement must be made with candor

and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain

an item of required information, a statement that the item is unknown or cannot be readily

obtained may be accepted as a complete reply to the requirement for that item.

9.   This requirement is an attachment of the enclosed Office action. A complete reply to the

enclosed Office action must include a complete reply to this requirement. The time period for

reply to this requirement coincides with the time period for reply to the enclosed Office action.

Drawings

1.   The drawings are objected to because of minor informality for no label for figure 4 where 400 should be placed according to specifications page 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Specification is objected to for minor informality. Although, obvious, the specification manages to recite 306 for figure 3, however the specification does not disclose the purpose of 306.

Claim Objections

Claim 1, 7, and 8 are objected to because of the following informalities: claim 1 groups

is misspelled on line 27 and missing period line 28. Further, claim 7 line 16 misspelling of

within, and same as applied to claim 8 line 10. Lastly, repetition of the word "the" in claim 8

line 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Regarding claim 1, on lines 18-24, claim 1 presents several choices of if statements however the

claim as written does not disclose what happens if it does not happen for each choice of if

statement therefore it is indefinite. Same as applied to claim 7 lines 18-21 and claim 8 lines 11-

17.

Claims 2-6 and 9 fail to resolve the deficiencies of claim 1, and therefore are also rejected under

35 U.S.C. 112.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art by

Background of Application (hereafter background) in the present application.

Claim 1:

Regarding Claim 1, a method of managing a computer information database that contains

computer profile data for computers, the method including the steps of:

A. determining a tree structure of groups for the computers based on primary grouping

criteria and secondary grouping criteria (Background page 1, lines 18-20 recites "In a prior

system for managing a computer information database that contains computer profile data, a

profile group managing server manages the data according to a tree-structured grouping of the

computers." Background page 2 lines 21-23 recites, "The group mapping database table has two

fields, namely, a profile value-to-match field that contains values of particular profile data and a

group field that identifies the groups into which computers with matching profile data values are

to be included." Further giving example page 2 lines 28-29 to page 3 lines 1-2 of "..the

groupings based on IP subnet may use selected higher order bits of the computers IP address as

the profile to match, and the administrator-selected groupings may use other data included in the

profiles as the profile value to match." That is the groups field can be thought of as primary

group and the profile to match can be thought of as a secondary group or vice versa.) ;

B. including in a database mapping table fields that correspond to primary grouping

criteria and secondary groupings criteria for the computers, and including in the fields in

respective table records values for profile data of interest that correspond to the primary

groupings and secondary groupings, the table further including in the records information

that identifies the respective groups to which the values apply [Background page 2 lines 21-

23 recites, "The group mapping database table has two fields, namely, a profile value-to-match

field that contains values of particular profile data and a group field that identifies the groups into

which computers with matching profile data values are to be included." Further giving example

page 2 lines 28-29 to page 3 lines 1-2 of "..the groupings based on IP subnet may use selected

higher order bits of the computers IP address as the profile to match, and the administrator-

selected groupings may use other data included in the profiles as the profile value to match."

That is database mapping table fields contains fields that contain profile data of interest to both

primary and secondary groupings.];

C. receiving for inclusion in the database computer profile data from a plurality of

computers [Background page 1, lines 18-20 recite "In a prior system for managing a computer

information database that contains computer profile data, a profile group managing server

manages the data according to a tree-structured grouping of the computers."];

D. for the profile data from a given computer extracting data that corresponds to the

profile data of interest for the primary groupings and the secondary groupings, querying

the table to determine if the extracted data correspond to the values that are included in

the primary grouping and secondary grouping fields in any of the records in the table, and

if the query results in no records, assigning the computer to a default group,

[The Background teaches on page 3 lines 3-9, "The group profile managing server determines

which group a given computer belongs in by extracting the data of interest from the profile data

received from the computer, and consulting the group mapping database table. If the extracted

data matches any of the profile value-to-match entries in the table records, the group managing

server includes the computer in the group listed in the first record found to contain an exact

match. If no matching record is found, the system includes the computer in the topmost group."]

E. manipulating the data from the database to produce reports that summarize the

attributes of the computers in the groups, with each report for a given group including

therein the attributes of the computers in the groups that are on a sub-tree with the given

group as its root [Background page 2 lines 3-5, recites "The profile group managing server then

manipulates the profile data to produce reports that summarize the attributes of the computers at

every group level, with the reports for a given group including the sub-tree that has the group as

its root."]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted

prior art in Background of Application (hereafter Background) as applied to claim 1 above, and

further in view of EMCO Network Inventory quick guide (hereafter EMCO).

Claim 2:

The background of the application teaches the method of claim 1, however the background does

not disclose **wherein one or more table records includes secondary grouping values set to**

NULL.

However, EMCO page 8, discloses a list of specific IP ranges to ignore (i.e. second group

values). It is obvious that setting no IP addresses is an empty set (i.e. setting to null) of IP

addresses.

Both inventions are directed towards computer systems management. EMCO, page 4, further

states that it contains a "Custom Scan Criteria feature where you can extend your search from the

normal criteria built in Network Inventory." Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the Background of the

Application to include the step of a secondary grouping of values based on the disclosure of

EMCO for the purpose of further limiting the search for a new machine.

Claim 3:

The background of the application discloses the method of claim 1, however the background

does not disclose **wherein the values associated with the primary groupings are ranges and**

the step of determining if the extracted data correspond to the values further includes

determining if the corresponding extracted data of interest falls within one of the primary

grouping ranges.

However, EMCO (page 8) discloses a method to gather new machines based on the required

network provider and domain, an range of IP addresses for new machines (i.e. primary group of

values), and list of specific IP addresses to ignore.

Both inventions are directed towards systems administration management. Therefore it would

have been obvious to one of ordinary skill at the time the invention was made to modify the

background of the application to include the step of primary groupings being ranges and the step

of determining if the extracted data correspond to the values further includes determining if the

corresponding extracted data of interest falls within one of the primary grouping ranges based on

the disclosure of EMCO for the purpose of identifying computers for use in a hardware and

software inventory system.

Claim 4:

The background of the application discloses **the method of claim 3** however it does not disclose **wherein the values associated with the secondary groupings are ranges and the step of determining if the extracted data correspond to the values further includes determining if the corresponding extracted data of interest falls within one of the secondary grouping ranges.**

However, EMCO, page 8, discloses a method to gather new machines based on the required network provider and domain, an range of IP addresses for new machines (i.e. primary group of values), and list of specific IP addresses to ignore (i.e. secondary grouping ranges).

Both inventions are directed towards systems administration management. Therefore it would have been obvious to one of ordinary skill at the time the invention was made to modify the background of the application to include the step of values associated with the secondary groupings are ranges and the step of determining if the extracted data correspond to the values further includes determining if the corresponding extracted data of interest falls within one of the secondary grouping ranges based on the disclosure of EMCO for the purpose of identifying computers for use in a hardware and software inventory system.

Claim 5:

The background of the application **discloses the method of claim 1 wherein the step of querying further includes determining if the extracted data corresponds to the primary**

grouping criteria and a secondary [Background page 3 lines 3-9 recite, "The group profile

managing server determines which group a given computer belongs in by extracting the data of

interest from the profile data received from the computer, and consulting the group mapping

database table. If the extracted data matches any of the profile value-to-match entries in the table

records, the group managing server includes the computer in the group listed in the first record

found to contain an exact match. If no matching record is found, the system includes the

computer in the topmost group." That is, profile data is extracted that corresponds to data of

interest. If there is a match record include it into the group list, if not then just assign it to some

computer (i.e. default way of assigning).] **however the background does not discloses wherein

the secondary low value of NULL or the empty set.**

However, EMCO page 8, discloses "a list of specific IP to ignore" (i.e. second group value

ranges). It is obvious that setting no IP addresses is an empty set (i.e. setting to null) of IP

addresses.

Both inventions are directed towards computer systems management. EMCO, page 4, further

states that it contains a "Custom Scan Criteria feature where you can extend your search from the

normal criteria built in Network Inventory." Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the Background of the

Application to include the step of a secondary grouping of values based on the disclosure of

EMCO for the purpose of further limiting the search for a new machine.

Claim 6:

The method of claim 1 wherein the primary and secondary grouping criteria are user-specified [background discloses page 1 lines 16-18, "The profile may also include iother information such as for example, associated software license information, performance data and other user specified data"].

Claim 7:

A method of managing a computer information database that contains computer profile data for computers, the method including the steps of:

The background of the application discloses:

A. determining a tree structure of groups for the computers based on primary grouping criteria (Background page 1, lines 18-20 recites "In a prior system for managing a computer information database that contains computer profile data, a profile group managing server manages the data according to a tree-structured grouping of the computers." Background page 2 lines 21-23 recites, "The group mapping database table has two fields, namely, a profile value-to-match field that contains values of particular profile data and a group field that identifies the groups into which computers with matching profile data values are to be included." Further giving example page 2 lines 28-29 to page 3 lines 1-2 of "..the groupings based on IP subnet may use selected higher order bits of the computers IP address as the profile to match, and the administrator-selected groupings may use other data included in the profiles as the profile value

to match." That is the groups field can be thought of as primary group and the profile to match

can be thought of as a secondary group or vice versa.);

E. manipulating the data from the data base to produce reports that summarize the

attributes of the computers in the groups, with the report for a given group including

therein the attributes of the computers in the groups that are on a sub-tree with the given

group as its root [Background page 2 lines 3-5, recites "The profile group managing server then

manipulates the profile data to produce reports that summarize the attributes of the computers at

every group level, with the reports for a given group including the sub-tree that has the group as

its root."]

C. receiving for inclusion in the database computer profile data from a plurality of

computers [Background page 1, lines 18-20 recite "In a prior system for managing a computer

information database that contains computer profile data, a profile group managing server

manages the data according to a tree-structured grouping of the computers."];;

B. including in a database mapping table fields that correspond to primary grouping

criteria, and including in the fields in respective table records values for the profile data of

interest, the table further including in the records information that identifies the respective

groups to which the values apply

[Background page 2 lines 21-23 recites, "The group mapping database table has two fields,

namely, a profile value-to-match field that contains values of particular profile data and a group

field that identifies the groups into which computers with matching profile data values are to be included." Further giving example page 2 lines 28-29 to page 3 lines 1-2 of "..the groupings based on IP subnet may use selected higher order bits of the computers IP address as the profile to match, and the administrator-selected groupings may use other data included in the profiles as the profile value to match." That is database mapping table fields contains fields that contain profile data of interest to both primary and secondary groupings.];

D. for the profile data from a given computer extracting data that correspond to the primary grouping profile data of interest, querying the table to determine, and

   if the query results in no records, assigning the computer to a default group [The Background teaches on page 3 lines 3-9, "The group profile managing server determines which group a given computer belongs in by extracting the data of interest from the profile data received from the computer, and consulting the group mapping database table. If the extracted data matches any of the profile value-to-match entries in the table records, the group managing server includes the computer in the group listed in the first record found to contain an exact match. If no matching record is found, the system includes the computer in the topmost group."]; **and**

However, the background does not explicitly disclose **if the extracted data fall within the primary grouping criteria ranges** and **to a range of values for profile data of interest corresponding to primary grouping criteria.**

On the other hand, EMCO (page 8) discloses a method to gather new machines based on the

required network provider and domain, an range of IP addresses for new machines (i.e. primary

group of values), and list of specific IP addresses to ignore (i.e. secondary grouping ranges).

Both inventions are directed towards systems administration management. Therefore it would

have been obvious to one of ordinary skill at the time the invention was made to modify the

background of the application to include the step of values associated with the secondary

groupings are ranges and the step of determining if the extracted data correspond to the values

further includes determining if the corresponding extracted data of interest falls within one of the

secondary grouping ranges based on the disclosure of EMCO for the purpose of identifying

computers for use in a hardware and software inventory system.

Claim 8:

The background of the application discloses the method of claim 1 and further discloses

> **for the profile data from a given computer**
>
>> **further extracting data that correspond to the secondary grouping profile**
>
> **data of interest, and**
>
>> **if the query results in no records, assigning the computer to a default group.**

However the Background of the Application **does not explicitly disclose the steps of including**

in the table a range of values for profile data of interest corresponding to secondary

grouping criteria used to include the computers in groups for profile data reporting, and

including in the fields in respective table records high and low values for the secondary

grouping profile data of interest, and

for the profile data from a given computer

further querying the table to determine if the further extracted data fall

withing the secondary grouping criteria ranges included in the table records, and

On the other hand, EMCO, page 8, discloses a method to gather new machines based on the

required network provider and domain, an range of IP addresses for new machines (i.e. primary

group of values), and list of specific IP addresses to ignore (i.e. secondary grouping ranges

specifying what computers should and should not be included in the group).

Both inventions are directed towards systems administration management. Therefore it would

have been obvious to one of ordinary skill at the time the invention was made to modify the

background of the application to include:

the steps of including in the table a range of values for profile data of interest

corresponding to secondary grouping criteria used to include the computers in

groups for profile data reporting, and including in the fields in respective table

records high and low values for the secondary grouping profile data of interest, and

for the profile data from a given computer

further querying the table to determine if the further extracted data

fall withing the secondary grouping criteria ranges included in the table

records

based on the disclosure of EMCO for the purpose of identifying computers for use in a hardware and software inventory system.

Claim 9:

The method of claim 8 wherein the step of querying further includes determining if the extracted data corresponds to the primary grouping criteria and a secondary [Background page 3 lines 3-9 recite, "The group profile managing server determines which group a given computer belongs in by extracting the data of interest from the profile data received from the computer, and consulting the group mapping database table. If the extracted data matches any of the profile value-to-match entries in the table records, the group managing server includes the computer in the group listed in the first record found to contain an exact match. If no matching record is found, the system includes the computer in the topmost group." That is, profile data is extracted that corresponds to data of interest. If there is a match record include it into the group list, if not then just assign it to some computer (i.e. default way of assigning).] **however the background does not discloses wherein the secondary low value of NULL or the empty set.**

However, EMCO page 8, discloses "a list of specific IP to ignore" (i.e. second group value ranges). It is obvious that setting no IP addresses is an empty set (i.e. setting to null) of IP addresses.

Both inventions are directed towards computer systems management. EMCO, page 4, further states that it contains a "Custom Scan Criteria feature where you can extend your search from the

normal criteria built in Network Inventory." Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Background of the Application to include the step of a secondary grouping of values based on the disclosure of EMCO for the purpose of further limiting the search for a new machine.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicants disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham
Art Unit 2167
Examiner
2/2/2006

JEAN HOMERE
SUPERVISORY PATENT EXAMINER